

House File 2493

S-5285

1 Amend the amendment, S-5273, to House File 2493, as amended,
2 passed, and reprinted by the House, as follows:

3 1. Page 1, after line 24 by inserting:

4 <____. Page 12, line 29, after <department.> by inserting
5 <Such moneys shall not be used for advertising expenditures
6 prior to an election as prohibited pursuant to section
7 68A.405A, if enacted.>>

8 2. Page 2, after line 31 by inserting:

9 <Sec. _____. NEW SECTION. 68A.405A Advertising expenditures
10 prior to elections prohibited.

11 1. For the purposes of this section:

12 a. "*Designated communication*" means a public advertisement
13 or promotion delivered through a paid direct mailing, a paid
14 radio communication, or a paid television communication funded
15 in whole or in part with public moneys or moneys held in a
16 private trust fund as defined by section 8.2, or a trust
17 fund controlled by a political subdivision of the state, if
18 such paid direct mailing, paid radio communication, or paid
19 television communication bears the written name, likeness, or
20 voice of a statewide elected official, a member of the general
21 assembly, or a local official. "*Designated communication*" does
22 not mean any of the following:

23 (1) A report, record, letter, memorandum, document,
24 envelope, cover sheet, certificate, constituent correspondence,
25 routine ministerial material, or ceremonial material bearing
26 the name, official logo, or official letterhead of the office
27 of a statewide elected official, a member of the general
28 assembly, or local official, provided that such report,
29 record, letter, memorandum, document, envelope, cover sheet,
30 certificate, routine ministerial material, or ceremonial
31 material is used or generated in the course of the statewide
32 elected official's, member of the general assembly's, or local
33 official's duties.

34 (2) A depiction of the great seal of the state of Iowa
35 through any medium when such depiction has been approved by the

1 office of the governor.

2 (3) Official press releases or press advisories issued by
3 the office of a statewide elected official, a member of the
4 general assembly, or a local official in any form.

5 (4) A publication, literature, or other medium of
6 communication designed to further the purposes of section
7 29C.3.

8 (5) A payment made by the office of a statewide elected
9 official, the general assembly, or a local official to the
10 management of a fair in order to reserve a physical floor space
11 at a fairground or grounds as defined by section 174.1 for use
12 by the statewide elected official, the general assembly, or
13 the local official for a booth or display at a fair event as
14 defined in section 174.1.

15 *b. "Designated exhibit expenditure"* means a billboard,
16 placard, banner, table skirt, sign, display, or other physical
17 structure in excess of one hundred fifty square inches funded
18 in whole or in part with public moneys or moneys held in a
19 private trust fund as defined in section 8.2, or a trust fund
20 controlled by a political subdivision of the state, and placed
21 or displayed within or upon a defined physical booth space
22 located at a fairground or grounds as defined in section 174.1
23 bearing the written name, likeness, or voice of a statewide
24 elected official, a member of the general assembly, or a local
25 official. *"Designated exhibit expenditure"* does not mean any
26 of the following:

27 (1) A report, record, letter, memorandum, document,
28 envelope, cover sheet, certificate, constituent correspondence,
29 routine ministerial material, or ceremonial material bearing
30 the name, official logo, or official letterhead of the office
31 of a statewide elected official, a member of the general
32 assembly, or local official, provided that such report,
33 record, letter, memorandum, document, envelope, cover sheet,
34 certificate, routine ministerial material, or ceremonial
35 material is used or generated in the course of the statewide

1 elected official's, member of the general assembly's, or local
2 official's duties.

3 (2) A depiction of the great seal of the state of Iowa
4 through any medium when such depiction has been approved by the
5 office of the governor.

6 (3) Official press releases or press advisories issued by
7 the office of a statewide elected official, a member of the
8 general assembly, or a local official in any form.

9 (4) A publication, literature, or other medium of
10 communication designed to further the purposes of section
11 29C.3.

12 (5) A payment made by the office of a statewide elected
13 official, the general assembly, or a local official to the
14 management of a fair in order to reserve a physical floor space
15 at a fairground or grounds as defined by section 174.1 for use
16 by the statewide elected official, the general assembly, or
17 the local official for a booth or display at a fair event as
18 defined in section 174.1.

19 *c. "Local official"* means the same as defined in section
20 68B.2.

21 *d. "Statewide elected official"* means the same as defined
22 in section 68B.2.

23 2. A statewide elected official, a member of the general
24 assembly, or a local official shall not make or authorize a
25 designated communication or designated exhibit expenditure to
26 be made within sixty days before a general election.

27 3. A statewide elected official, member of the general
28 assembly, or local official who makes or authorizes a
29 designated communication or designated exhibit expenditure to
30 be made more than sixty days before a general election shall
31 clearly affix to the designated communication or designated
32 exhibit expenditure an attribution statement disclosing the
33 source of the public moneys or moneys held in trust used to
34 pay for the designated communication or designated exhibit
35 expenditure. An attribution statement is not required to be

1 affixed to a designated communication or designated exhibit
2 expenditure made using a medium substantially similar to those
3 listed in section 68A.405, subsection 2.

4 4. An attribution statement required by subsection 3 shall
5 be displayed or transmitted as follows:

6 a. For a designated communication in the form of a paid
7 direct mailing, the attribution statement shall be printed on
8 the paid direct mailing and shall include the words "paid for
9 by" followed by the exact source of the public moneys or moneys
10 held in trust so used to pay for the designated communication
11 in question.

12 b. For a designated communication in the form of a paid
13 radio communication, the attribution statement shall be stated
14 clearly and in an understandable manner easily ascertainable by
15 the listener of such paid radio communication and shall include
16 the words "paid for by" followed by the exact source of the
17 public moneys or moneys held in trust so used to pay for the
18 designated communication.

19 c. For a designated communication in the form of a paid
20 television communication, the attribution statement shall
21 include the words "paid for by" followed by the exact source
22 of the public moneys or moneys held in trust so used to pay for
23 the designated communication. Such attribution statement shall
24 be displayed on the screen in a clearly readable manner for at
25 least four seconds.

26 d. For a designated exhibit expenditure requiring an
27 attribution statement, the attribution statement shall be
28 printed on the billboard, placard, banner, table skirt,
29 sign, display, or other physical structure and shall include
30 the words "paid for by" followed by the exact source of the
31 public moneys or moneys held in trust so used to pay for the
32 designated exhibit expenditure.

33 5. A person who willfully violates this section shall be
34 subject to a civil penalty of an amount up to the amount of
35 moneys withdrawn from a public account, private trust fund

1 as defined in section 8.2, or trust fund controlled by a
2 political subdivision of the state used to fund the designated
3 communication or designated exhibit expenditure found to be in
4 violation of this section by the board. Such penalty shall be
5 determined and assessed by the board and paid into the account
6 from which such moneys were withdrawn. Additional criminal or
7 civil penalties available under section 68A.701 or established
8 by the board pursuant to section 68B.32A may also be determined
9 and assessed by the board for violations of this section.

10 6. This section shall not apply to any physically printed or
11 electronically printed, published, or disseminated materials or
12 literature generated by a statewide elected official, member of
13 the general assembly, or local official prior to the effective
14 date of this division of this Act.>

15 3. Page 3, after line 25 by inserting:

16 <____. Title page, line 6, after <atters,> by inserting <and
17 relating to the expenditure of public funds, and>>

18 4. By renumbering as necessary.

WILLIAM A. DOTZLER, JR.